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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,388	08/31/2000	Gudmundur "Jim" Hjartarson	20510-4.00US	2861
20350	7590	12/15/2004	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				GHULAMALI, QUTBUDDIN
		ART UNIT		PAPER NUMBER
				2637

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/652,388	HJARTARSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Qutub Ghulamali	2637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 27 July 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-62 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 4,6-10 and 31-62 is/are allowed.  
 6) Claim(s) 1-3,5,11-13,15-17,23,24 and 28-30 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Acknowledgment***

1. This Office Action is responsive to the Amendment filed on 07/26/2004.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-3, 5, 11, 12, 13, 15, 16, 17, 23, 24, 29 and 30, are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art of instant application in view Barzegar et al (US Pub. No. 2002/0027876).

Regarding claims 1, 5, 11, 13, 15, 16, 23, 24, 29, 30, the prior art of the instant application (fig. 2) discloses a communication system network configuration of a Multi Service Data Network (MSDN), a broad band analog front end (37) for coupling said DSL line card (36) to said CPE (38) through a transmission medium (18), a modem (35) for transmitting voice and data packets to said CPE, and a system interface network (32) for coupling said line card to various DSLAM (34) networks. The prior art of instant application, though it discloses CPE (38) comprise of a digitizer (40) for digitizing received voice signals, and a packetizer for packetizing

said digitized voice signals, wherein said packetizer performs at least one of VoIP or VoATM (VoIP engine 46, voice engine 42), is silent with reference line card use.

In the same field of endeavor Barzegar discloses a digitizer for digitizing received voice signals (see fig. 1, element 22; col. 2, section 0020),

A packetizer for packetizing said digitized voice signals, wherein, said packetizer performs VoIP (see figs 1, 4A; col. 3, section 0029, 0030; col. 4, section 0033); and

wherein, said line card digitizes and packetizes said voice signals upon failure of CPE (see abstract; col. 5-6, sections 0047, 0048). It would have been obvious to the person having ordinary skill in this art at the time the invention was made to use a digitizer and a packetizer in the line card of the system of the prior art as taught by Barzegar because it accomplishes the interexchange of high bandwidth communication into any subscriber, and also adequately addresses the problem of backup service.

Regarding claims 2, 3, the prior art of the instant application (figs. 1, 2) discloses a conventional telephone terminal 20, the voice packetized CPE 38 include most of the functions associated with a conventional telephone switch POTS line card 16 in its voice engine 42 and analog front end 44 (see specification page 3, lines 15-17).

Regarding claims 12, 13, 17, the prior art of the instant application (fig. 2) discloses all limitations of claim 12, 13, and 17 except is silent regarding the line card is operative to receive said data signal on the same loop as said voice signal and wherein broadband analog front end separates said data signal from said voice signal. However, in the same field of endeavor, Barzegar discloses an ISD (22) is operative to receive said data signal on the same loop as said voice signal (e.g., T/R Ethernet, CPE) and wherein broadband analog front end separates said

data signal (14) from said voice signal (15) (col. 4, section 0033). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the line card to receive said data signal on the same loop as said voice signal and separate said data signal from said voice signal as taught by Barzegar in the system of prior art of the instant application so as enhance the reliability, security and availability of communication signals.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art of the instant application in view of Barzegar (US Pub. No. 2002/0027876) as applied to claims 1-3, 5, 11, 12, 13, 15, 16, 17, 23, 24, 29 and 30, above, and further in view of O'Toole et al (US Patent No. 5,889,856).

As applied to claims 28, the prior art of the instant application and Barzegar disclose every aspect of the claimed limitations, however, the combination is silent regarding digitizer circuit implement one of a u-Law code and a A-law code. In the same field of endeavor, O'Toole discloses (fig. 8), PCM highway 34 are decoded by decoder 74 wherein either a A-Law or u-Law encoding is normally used for transmitting voice calls over PCM highway 34 (see col. 9, lines 37-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a digitizer circuit implement one of a A-law and an u-law code as taught by O'Toole in the prior art of the instant application and Barzegar, because it provides greater flexibility with the digitization process.

***Allowable Subject Matter***

4. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Farris (US Patent 5,541,917) and Elliott et al (US Patent 6,614,781) are cited as arts of interest showing switching techniques as applied to transport of voice and data communications.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qutub Ghulamali whose telephone number is (571) 272-3014. The examiner can normally be reached on Monday-Friday from 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QG.  
December 12, 2004.

*[Handwritten Signature]*  
EMESGHEN GHEBRETSIMAE  
PRIMARY EXAMINER  
(2/13/04)